

**WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR KING COUNTY**

REGULAR MEETING MINUTES

November 18, 2004

I. CALL TO ORDER

Chair Jim Denton convened the meeting at 7:00 p.m.

II. ROLL CALL

Charles Booth

A. J. Culver

Claudia Hirschey

Roger Loschen

Michael Marchand

Judy Tessandore

III MINUTES

Regular Meeting: Chair Denton presented the minutes of the Regular Meeting of October 14, 2004 for review and action by the Board members.

Action: Roger Loschen moved and Chuck Booth seconded the motion to adopt the minutes of the Regular Meeting of October 14, 2004. The Board voted unanimously to approve this record.

Special Meeting and Public Hearing Meeting: Chair Denton presented the minutes of the Special Meeting and Public Hearing Meeting of November 3, 2004 for review and action by the Board members.

Action: Roger Loschen moved and Chuck Booth seconded the motion to adopt the minutes of the Special Meeting and Public Hearing of November 13, 2004. The Board voted unanimously to approve this record.

IV ADMINISTRATION

A. CHAIR'S REPORT

General Business

Chair Denton reported that the Board has been working on several projects, including: (1) coordinating programs with King County Executive/Council 2004 Work Program; (2) coordinating efforts with the State Association to develop and implement a program for work with the CTED Annexation Study, the State Legislature Interim Session, and Legislature 2005; (3) Year 2005 Budget Proposal; (4) pre-development review for future Notices of Intention; (5) providing procedural information to a community group investigating options for incorporation; and (6) selecting new members to serve on the Board from 2005 – 2009. Committee members and staff will report on each of these activities.

Fairwood Incorporation: Michael Thomas, King County Office of the Executive, and Mrs. Blauman reported that the Fairwood Incorporation Team has made a decision to begin the incorporation process with an official notification to the King County Council Clerk. The notification was submitted effective November 18, 2004.

The incorporation, as proposed, will include approximately 4600 acres located in the eastern most portion of the City of Renton' Fairwood Potential Annexation Area (approximately 15,000 total acres). The Fairwood Incorporation Team reports that these proposed incorporation boundaries could be adjusted based upon community interest. The Team does not contemplate incorporation of the entire Fairwood Potential Annexation Area.

The Team has met with King County Executive Ron Sims and other county officials. The Team believes that there is sufficient support to proceed with the proposed application for incorporation.

State law (RCW 35) requires that the Board host a public information meeting pursuant to this notification of incorporation. The meeting must be conducted within 30 days of submittal of the notification. The meeting is scheduled for December 16, 2004.

King County will simultaneously be conducting both a telephone survey of community members to determine interest in incorporation and a comprehensive basic governance study, beginning in November, 2004.

The Fairwood Incorporation Team is hopeful that the governance study will be sufficiently complete and timely to permit the incorporation to proceed through the various legal, technical, and public review processes without the need for an additional economic and fiscal study. The Team is interested in taking the proposed incorporation to election in November 2005.

The Team has been notified that this proposed schedule is extremely ambitious. The Team has been advised that the Board will certainly consider the incorporation application in a timely manner. The Team has also been advised, however, that the Board is required to undertake specific processes in order to achieve compliance with state law. That process will likely require an independent incorporation study to determine the viability of the proposed new city. As such, the Team must be prepared to proceed under an alternative plan which plans for an incorporation election in 2006.

B. Committee Reports

Budget Committee:

A.J. Culver and Lenora Blauman reported on the status of the King County Budget review and the specific status of the Boundary Review Board budget proposal.

Effective November 18, the 2005 Budget Proposal remains intact in the County Executive and Council draft budget. Hearings continue through Friday, November 19. The Council will act on the Budget Proposal on November 22, 2004. The Board's Budget Proposal can be challenged at any point until final adoption of the Budget Proposal.

More information about the 2005 King County Executive Proposed Budget is available online, at www.metrokc.gov/exec <<http://www.metrokc.gov/exec>>.

Nominating Committee:

Roger Loschen, Chair of the Nominating Committee, reported that the Committee met on November 8, 2004 in order to nominate a Chair-Elect for 2005. The Committee is recommending nomination of Chuck Booth to serve as chair-Elect in 2005, and to assume chairmanship of the Board in 2006.

Mr. Loschen reported that the Board is also welcome to nominate candidates for Chair-Elect from the floor. Chair Denton called for other nominations for Chair Elect. No nominations were forthcoming for Chair-Elect.

Action: Roger Loschen moved and Judy Tessandore seconded a motion to confirm Charles Booth to serve as chair-Elect in 2005, and to assume chairmanship of the Board in 2006. The motion was approved by a majority vote – 6 in favor. Mr. Booth abstained.

Personnel Committee:

Merit Recognition: Mr. Booth reported that Reginald Holmes has been awarded a 5% merit increase based upon two consecutive years of outstanding service to the Boundary Review Board. The effective date of this adjustment is January 2005.

Boundary Review Board Membership: Mr. Booth reported that the Personnel Committee is continuing to work with Mrs. Blauman for the purpose of securing appointments to the Board for 2005-2009. To date:

- The Association of Fire Commissioners is nominating Robert Cook as representative to the Board. The Personnel Committee will interview Mr. Cook on January 13, 2005.
If selected, Mr. Cook may need to delay for a short period assuming membership on the Board in order to complete his service to the Fire District. Ethel Hanis has graciously agreed to remain on the Board until Mr. Cook can begin his service.
- The Cities of King County have received the application by A. J. Culver to continue service to the Board. An initial progress report is anticipated by November 22, 2004.
- The King County Executive is seeking two persons to join the Board to replace Ellen Abellera and Lloyd Baker. An initial progress report is anticipated by December 3, 2004.
- The Office of the Governor has reported that appointments to the Board must be made by the new governor. Governor Locke may forward to the new Governor the names and applications of Michael Marchand and Van Anderson to continue service to the Board. Under state law, Mr. Marchand and Ms. Anderson may continue to serve until new appointments are finalized by the Governor.

Personnel Committee members and Mrs. Blauman will be working with the Office of the Governor, the Office of the King County Executive, the Cities of King County, and the Special Purpose Districts to secure new appointments and reappointments by January 2005 or the earliest feasible date thereafter.

C. Executive Secretary's Report

City of Redmond NE Rose Hill Annexation (File No. 2168) – Update: Mrs. Blauman reported that the Board's Resolution and Hearing Decision for NE Rose Hill was appealed to Superior Court on October 27, 2004.

Robert Kaufman, Special Assistant Attorney General reported that at the present time the various parties to the action (i.e. King County, City of Redmond, Boundary Review Board) are filing required documents with the court. No hearings have occurred to date.

Mr. Kaufman stated that a more detailed discussion of this matter could be provided in an Executive Session.

The Board members did not request an Executive Session at this time.

City of Renton – Merritt II Annexation (File No. 2178): Mrs. Blauman stated that the continuation of the Merritt II Annexation public hearing will take place on December 15, 2004 at 7:00 p.m. at the Renton Vocational Technical College. On December 6th, an information packet will be distributed to Board members.

CTED Annexation Issues Study: Mrs. Blauman provided information concerning the CTED Annexation Study Team Report as follows:

Statement of the Role of the Boundary Review Boards:

The CTED Report states that the role of the BRBs has changed since 1990 with the adoption of the GMA. Annexations and incorporations are limited to designated UGAs in the 29 counties fully planning under the GMA. The GMA also provides that, when a county and the cities and towns within the county have adopted a comprehensive plan and consistent development regulations pursuant to the GMA, the county may disband the BRB.

The CTED Report states that citizens, special purpose districts and other jurisdictions see the BRB as serving a key role in the annexation process, providing an impartial forum for addressing the orderly transfer of governance and provision of services.

The CTED Report states that BRB members also believe that they serve an important public education function, especially given the limitations on the ability of cities to advocate and provide information on a proposed annexation. BRBs can provide information and educate citizens about the costs and benefits of annexation when there is a lack of trust of an annexing city. BRBs can also require cities, counties and special purpose districts to jointly plan and enter into interlocal agreements.

The CTED Report states that BRBs are seen by some other cities to be an added layer of process that is obsolete owing to the adoption of the GMA. Most of the cities surveyed agreed that state annexation statutes are not consistent with GMA goals. Most of the cities reported problems with the role of the BRB: it is inconsistent with GMA goals, it adds costs and uncertainty, and the threshold for invoking BRB jurisdiction is too low and too many parties can request BRB review. Survey respondents proposed narrowing or redefining the scope of the BRB.

The CTED Report states that the role of the BRBs presents problems for some of the counties surveyed. The BRB process can add cost and uncertainty to annexations; two counties stated that it prevents annexation. The lack of agreement about these obstacles makes it difficult to generalize about the six counties' perspectives.

The CTED Report states that some Advisory Committee members indicated that the role of the BRBs is not clear since adoption of the GMA. Others indicated that the BRB criteria do not match GMA requirements. There was a general consensus that the GMA and annexation statutes need more consistency.

The CTED Report states that about 85% of the cities surveyed think the BRB should be removed from the annexation process in counties that are fully planning under GMA, and criteria for exclusion from BRB review should be established. The counties surveyed do not agree about the consequences of removing the BRB from the annexation process in counties that are fully planning under the GMA: opinions range from it making a small improvement, to no change, to making the situation worse.

The CTED Report provided options and recommendations to address issues defined with respect to Boundary Review Board role and responsibilities. These options and recommendations are listed and addressed in the following section of this Record.)

Mrs. Blauman stated that the Association has provided comments in response to the CTED Report. She provided a summary of comments relating to Boundary Review Board objectives and recommendations as follows:

1. Eliminate Boundary Review Boards:

The underlying assumption for this option is that counties, in consultation with cities, have determined what areas are already urbanized and are served or are planned to be served by urban services in the next 20 years. This proposal would require that the counties assign all UGAs to appropriate cities for annexation – the “potential annexation area” concept used in King County (NOTE: King County does not assign UGAs to cities). This proposal would require amendments to the BRB’s jurisdiction, and to the county-wide planning policy and UGA designation requirements in the GMA.

The Association Response stated that elimination of the public process from the annexation process in conjunction with Interlocal agreements is inconsistent with the desire of many citizens to participate/vote on an annexation.

The Association Response stated that, further, Boundary Review Boards serve as repositories for legal descriptions and maps for municipal and special district boundaries. It is important to many county operations to continue this role. This can be done by continuing the requirement to file a Notice of Intention for annexations (even if the review authority of the Board is changed or limited).

2. Allow annexation upon interlocal agreement without Boundary Review Board review

This option provides incentive for counties and cities and special districts to engage in interlocal agreements and joint planning for the annexation area. Transition issues such as revenues and costs could be addressed in the interlocal agreement.

In response to suggestions to reduce or eliminate BRB review processes for annexations involving interlocal agreements, the Association reports that Special Districts (especially fire districts) are hit hard by annexations. The Districts require substantial time to accommodate loss in revenue and changes in service areas. For example, cumulative impacts on fire districts are not now accounted for in state laws.

However, assumption issues of special purpose districts may not be addressed in the interlocal agreement, especially if there is no oversight by the BRB. At a minimum, Special Districts need to be included in the Interlocal agreement process to address impacts from the loss of a portion of the district.

The Districts need to be included in the Interlocal agreement process and/or a BRB role must be maintained to ensure that full consideration is provided to all elements of annexation/local governance – including losses to special purpose districts and to annexing cities.

The BRB's role could be limited if there were a joint plan between a county and city and an interlocal agreement among the county, city, and special districts in place.

Elimination of the public process from the annexation process in conjunction with Interlocal agreements is inconsistent with the desire of many citizens to participate/vote on an annexation.

3. Revise the Boundary Review Board statute to be more consistent with GMA requirements

Two inconsistencies were put on the table for consideration by the advisory committee: (1) the BRB's ability to apply the goals and requirements of the GMA under RCW 36.93.157; and (2) the necessity for the BRB to consider whether an area is "urban in character" pursuant to the objective in RCW 36.93.180(8) when it has already been designated by the county as an urban growth area under the GMA.

- Revise the applicability of the goals and requirements of the GMA

CTED has recommended that RCW 36.93.157 could be revised to provide that the BRB must determine the consistency of the annexation with RCW 36.70A.020 (GMA goals), 36.70A.110 (designation of the UGA), and 36.70A.210 (county-wide planning policies), except when the county and city have jointly adopted a plan for the area and there is an interlocal agreement. If joint planning has occurred and an interlocal agreement adopted, the BRB must consider the joint plan and agreement.

The Association has responded that this consideration of the comprehensive plans adopted under 36.70A and Interlocal and service agreements is already required in the factors the Board shall consider (36.93.170). A Notice of Intention will be filed with the Boundary Review Board.

If the proposed revisions occur to RCW 36.93.157, there may be concerns if the county and city fail to adequately involve citizens in the planning process. In the absence of the Boundary Review Board oversight, then, in order to provide for citizen interests, the creation of interlocal agreements would have to involve all parties; the interlocal agreement would need to be very inclusive and specific with respect to matters of governance and services, including but not limited to achievement of compliance with the State Growth Management Act, county and

city comprehensive plans, special purpose district plans, and other local land use and development regulations.

Similarly, in the absence of the Boundary Review Board, provisions would be required to ensure the protection of the interests of adjacent cities, special districts, and other governmental units.

Further, in response to suggested improvements in consistency between GMA and BRB Rules, the Association noted that the Boundary Review Board statute has been revised several times to connect with GMA. In addition to 36.93.157 requiring Board decisions to be consistent with the planning goals, etc of GMA, several specific factors were added to 36.93.180 (GMA plans, interlocal agreements, service agreements, etc.). Additional specific regulations are unlikely to enhance the process of coordinated review.

- Revise the applicability of the “urban in character” objective

The CTED Report suggestion that the “urban in character” objective in RCW 36.93.180(8) could be eliminated in counties fully planning under the GMA because cities are not allowed to annex outside of designated UGAs in those counties. The Association recommends that the objective should rather be revised to include the phrase “within an urban growth area” for GMA counties. This allows Boards to find that land included in a UGA meets the objective.

This objective permits a Boundary Review Board to expand city annexations within UGAs to include more of the urbanized area.

- Revise the applicability of the “abnormally irregular boundaries” objective

The CTED Report states that the “abnormally irregular boundaries” objective in RCW 36.93.180(4) is viewed by some as vague and difficult for the BRBs to apply consistently. The Report states that it could be eliminated or revised to be consistent with designated UGAs in those counties fully planning under the GMA. Or, it could be eliminated where joint planning has occurred.

The Association does support a UGA as defined by a community -- even if it appears “irregular” on a map – as the UGA is based upon many factors – parcels, district boundaries, topography, etc.

However, the Association has suggested that the matter of abnormally irregular boundaries within an area inside UGA boundaries is an issue for GMA cities as well. That is: most cities do not propose to annex their entire UGA.

Removing this objective could require a city to annex an entire UGA, although to do so could place an undue burden on governance and service provision. Often cities are not proposing to annex the entire UGA, and service boundaries need to be efficient for providers.

Reportedly, this objective can be used to deny an annexation when all the other objectives have been met, but, in fact, a Boundary Review Board is required to weigh each objective and to base a decision on the preponderance of achievement of objectives. It is highly unlikely that an annexation could (or would) be denied on the basis of a single objective. Rather, the Boundary Review Board relies on this objective to expand annexations often at the city’s request.

For example, removing the criterion would eliminate the Boundary Review Board’s ability to modify annexations to include entire “islands” when it is appropriate to do so. For example the Board could not add territory to an annexation when only a limited territory is proposed by a city (e.g., in response to

a property owner's reluctance to incorporate). It is often the initiating city that requests modifications to expand annexations.

- Create separate annexation methods for large and small annexations

The CTED Advisory Committee discussed streamlining the process for small annexations. This could be done by: (1) Raising the BRB threshold for small annexations; (2) further revising the requirements for island annexations by amending SHB 1755 (2003 session); and (3) eliminating all unincorporated islands on a date certain.

4. Raise the Boundary Review Board threshold for small annexations

According to the CTED Report, the BRB threshold in RCW 36.93.110 could be raised from current limits (i.e. areas less than 10 acres and less than \$2 million in assessed value) to at least twice the current limits (i.e., 20 acres and \$4 million.)

The Association suggests that these increases are too substantial – e.g., \$4 million would be a lot for a special district to absorb in many counties – alternatively limits of 20 acres and \$3 million are suggested.) Small annexations would still require the filing of a Notice of Intention with the Boundary Review Board.

It should be recognized that threshold increases of any size would limit input by special purpose districts and other jurisdictions. Citizens in small annexation areas might lose the ability to vote.

With this modification, communities would be encouraged to propose small annexations. The elimination of Boundary Review Board review would prevent the expansion of these small annexations to include a greater, and potentially more viable, annexation area.

5. Further revise requirements for island annexations

The Annexation Study Advisory Committee discussed several possible amendments to SHB 1755 (enacted in the 2003 Legislative Session) that would streamline the process for island annexations. To wit:

- (a) Require cities to do extraterritorial planning for urban islands that the county must match in its planning regarding zoning and density.
- (b) Eliminate the referendum requirement for islands where there is an interlocal agreement
- (c) Raise the percentage of voters who must sign a petition for a referendum to a simple majority (e.g., 51% or 50% plus 1).
- (d) Eliminate all unincorporated islands on a date certain
- (e) Lower the threshold for petition method annexation.

The Association notes that lowering the threshold for petition method annexation would have no effect upon the annexation process.

The Association has reported that some aspects of each of the other options would be problematic for several reasons. More specifically, unless there were a requirement that an annexation plan (e.g., interlocal agreement) include special purpose districts, assumption and impacts of annexations of less than the entire district would not be addressed. In the elimination of all islands by a certain date, city interests would not be considered. In all situations, citizen input would be severely restricted or eliminated.

In summary, even for “smaller, non-contentious annexations,” the Association notes that the BRB provides a valuable service as a forum for jurisdictions and residents on

annexations. The Board is structured as an agency charged with the making of impartial and unbiased decisions.

6. Require county-wide planning policies to identify “potential annexation or incorporation areas” in the six counties

County-wide planning policies could be required to include identification of potential annexation areas that are assigned to a specific city or potential incorporation areas to make it clear which city is expected to annex an area. This process would have to recognize that some UGAs may be too big to annex and would need to be incorporated separately.

The CTED Report indicates that King County makes UGA assignments to cities. The Association has reported that this statement is not a fact. There are many areas within UGAs that have no connection to a city.

Moreover, the Association reports that it is highly unlikely that a single plan for assignment of UGAs is workable. This CTED Report proposal, similarly does not address other barriers to annexation by the designated city. Incorporations must be initiated by citizens, who may be happy with their “rural” lifestyle and the service they are receiving from the county and may choose not to incorporate.

The absence of agreement of all parties (cities, county, special districts, residents) on the timing and method of annexations has been the genesis for the CTED study.

7. Restructure the public process to get special districts and citizens involved earlier

Special purpose districts and citizens expressed an interest in requiring their involvement earlier in the planning process prior to annexations.

The CTED Report states that early participation in UGA discussions by all interested parties is critical to planning for development. GMA requires early and continuous public participation in the planning process, including the designation of UGAs. There is no requirement to involve special purpose districts in the planning process under GMA, although consultation and coordination is encouraged by the state. Special districts are required to comply with local plans and regulations governing development of their facilities. Special districts would like to be consulted prior to designation of UGAs and planning for capital facilities. The issue is the need for joint planning in annexation areas that can more effectively engage and educate citizens.

The Association points to the fact that there is a difference between designating a UGA and proposing an annexation. It is essential that provisions be made for special purpose districts, jurisdictions and citizens to become involved in the comprehensive planning process under GMA. They need to reach out to counties and cities with information and their concerns. The planning process allows them to be involved now. Districts need to plan for decreased service areas and reduced revenues and need more specific involvement by the cities in the annexation process.

8. Enhance the Boundary Review Board's ability to engage citizens and provide impartial information regarding annexations

If a BRB's jurisdiction is reduced based upon an interlocal agreement, the Association recommends that the BRB retain its role as an educational forum for citizens. The BRB has no stake in the outcome of the annexation and is seen as an impartial provider of information to the public. It can also provide information that a city may not. This would require some additional resources for the BRBs to be effective in working with citizens and communities.

The Association notes that Boundary Review Boards are quasi-judicial and do have to be careful of interacting with citizens, property owners, etc. outside of public meetings. The BRB staff usually do the “outreach” and education. In the new city incorporation process, the BRB does hold a public meeting after the initiator submits

a Notice to the County. This could be done for annexations as well. Most parties trust the BRBs to be impartial.

The educational forum granted by the BRB may provide citizens with more confidence in the plan and decision to annex in situations where voting is eliminated from the annexation process. .

The CTED Report states that if good planning and public involvement has occurred, further education by the BRB may not be needed. However, CTED points out that it is often difficult to engage citizens in planning and UGA designation prior to an annexation because the decisions are perceived as more theoretical than an annexation. The Association states that such citizen involvement is difficult to ensure in conjunction with UGA planning, however, the proposal involves an educational process related to specific annexation, rather than to the formation of the UGA.

The CTED Report indicates that BRBs are voluntary and do not have extensive resources to work with citizens. The Association states that Boundary Review Boards, like Planning Commissions are volunteers, but do have staffs and conduct public meetings etc.

Recommendations for Annexation Process – Growth Management, Annexation and Boundary Review Boards

1. *Limit Boundary Review Board review when joint planning and/or interlocal agreements have been achieved*

- a. Revise RCW 36.93.157 to provide that the BRB must determine the consistency of the annexation with 36.70A.110 (designation of the UGA), and 36.70A.210 (county-wide planning policies), except when the county and city have jointly adopted a plan for the area and there is an interlocal agreement. If joint planning has occurred and an interlocal agreement adopted, the BRB must consider the joint plan and agreement

Association Response: The proposed recommendation is redundant in that BRB is currently required to consider GMA goals and policies in assessments of applications.

However, a requirement for specific consistency of BRB standards with the Goals of the GMA is unnecessary, because GMA standards are intended as benchmarks to guide cities in the development of a comprehensive plan. It should be assumed that if a city has an approved plan (which is not under appeal) then the planning goals have been achieved. With the proposed recommendation, the BRB would be required to determine such standards as affordable housing, capital facilities, etc. – these matters are, in fact, outside of the BRB scope of work.

Review under GMA does currently include consideration of interlocal agreements. BRBs appropriately have a continuing role in the review of applications based upon interlocal agreements for the following reasons: (1) there is no definition of the contents required for an interlocal agreement; (2) there is no provision for public involvement in an agreement; (3) there is no standard for addressing the matter of a city plan found to be non-compliant or invalid by a GMHB.

- b. Limit application of “urban in character” in objective in RCW 36.93.180(8) to counties fully planning under the GMA because no UGA has been designated consistent with GMA requirements. (Keep in mind that this is the objective Boards can use to expand annexations and is often requested to do so by cities).

Association Response: Change “urban in character” to “within an urban growth area” in objective in RCW 36.93.180(8) to counties fully planning under the GMA

because no UGA has been designated consistent with GMA requirements. The Association notes that Boards can use this objective to expand annexations and is often requested to do so by cities.

- c. Limit application of the “abnormally irregular boundaries” objective in RCW 36.93.180(4).

Association Response: Limit application of the “abnormally irregular boundaries” objective so as not to include the UGA as an irregular boundary in RCW 36.93.180(4). This objective enables Boundary Review Boards to increase annexations and include “islands” in annexations.

2. *Create more streamlined annexation methods for small annexations*

- a. Raise the BRB threshold in RCW 36.93.110 from areas less than 10 acres and less than two million dollars in assessed value to at least twice the current amounts.
- b. Further revise the requirements for island annexations:
 - (i) Require cities to do extraterritorial planning for urban islands that the county must match in its planning regarding zoning and density.
 - (ii) Raise the percentage of voters that must sign a petition for a referendum to a small majority (e.g. from 15 percent to 50 percent+1)

Association Response: The Association suggests limits of 20 acres and \$3 million. Small annexations would still require the filing of a Notice of Intention with the Boundary Review Board.

Threshold increases will limit input by special purpose districts and other jurisdictions; citizen votes will be eliminated.

Reducing or eliminating the BRB function in smaller and non-contentious annexations may encourage communities to propose smaller, fragmented incorporations.

The exclusion of Boundary Review Board review would prevent the expansion of these small annexations.

3. *Revise the petition method of annexation to 60 percent for both code and non-code cities and towns*

Change the requirement for the petition method in RCW 35.13.125 for first and second class cities and towns to be consistent with the petition method requirement for code cities (RCW 35A.14.120.) The requirement of 60% in value of the property for which annexation is petitioned would then be the same for all cities and towns.

Association Response: No suggestions

4. *Encourage counties to identify potential annexation and incorporation areas in their county-wide planning policies*

Encourage counties, in consultation with cities, to include in county-wide planning policies identification of potential annexation areas that are assigned to a specific city or potential incorporation areas to make it clear which city is expected to annex an area. County-wide planning policies should also recognize that some UGAs may be too big to annex and will need to be designated for incorporation.

Association Response: How would “encouragement” occur – through incentives? What types of incentives?

5. *Enhance the public process for designating UGAs and annexations*

- a. Encourage counties, cities and special purpose districts to work together in the planning process under GMA through consultation and coordination. Consultation and coordination can be encouraged through financial incentives for joint planning and financial incentives for county/city interlocal agreements.
- b. Enhance the Boundary Review Board's public outreach and education role. The BRB can facilitate public discussion and be a source of objective information. Reducing or eliminating their function in smaller and non-contentious annexations may strengthen this role.

Association Response: The BRB's role as an educational forum for citizens is important because the BRB has no stake in the outcome of the annexation and is seen as an impartial provider of information to the public. It can also provide information that a city may not provide. However, because the BRB is an independent, quasi-judicial agent, the educational programs must be provided under clear parameters. Further, the BRB educational program is more effective has much greater value to citizens and communities, when that information-sharing serves as the basis for future BRB review and decision for specific annexations, incorporations, and similar actions.

CTED will transmit to the Legislature a Final Report which provides information concerning challenges and solutions to annexation of urban areas. Report findings will form the framework for new legislation proposed to Legislature 2005 to remove obstacles to and encourage annexations of urban areas.

Chair Denton invited the Board to provide comments upon the Report. The following comments were offered:

- The CTED Study provides a considerable body of interesting information with respect to various elements of regional and local governance. The Study addressed a range of impediments to and strategies for achievement of annexation.

However, while the CTED Study provided numerous options/recommendations relating to the transition of land from county authority to local jurisdiction, the document was substantially directed specifically to the structure and function of boundary review boards.
- As such, there are concerns as to whether the CTED Study documents provide a comprehensive, objective point of view with respect to the process of annexation. For example, the Washington State Association of Counties (WSAC) participated in this study only on a limited basis; WSAC representatives attended only one CTED Advisory Committee meeting.
- The CTED Study will reportedly serve as the basis for proposed legislation to address the limitations of current annexation standards. There is, however, no formal plan or commitment as to the persons responsible for authoring new bills or the means by which legislation will be formulated. Absent a specific plan, there is considerable likelihood that legislation will be proposed by a single agent (e.g., Association of Washington Cities) with a specific agenda addressing only the perspective of the organization membership. Such legislation could hinder – rather than serve – the real work to be done to achieve annexation.
- The CTED Study proposals (both options and recommendations) with respect to the structure and function of the Boundary Review Board would likely have a substantially deleterious effect upon the ability of special purpose districts to become informed about and/or have an opportunity to participate in the process of incorporation. This omission is directly in opposition to the current and future role

and responsibilities of special purpose districts as described to members of the State Association of Boundary Review Boards at the Fall Conference of 2004.

- Additionally, there are options/recommendations that would support fiscally viable governance at the regional and/or local level which were not proposed by the CTED Study. For example, the state gas tax could be included as a taxing source. The Cities and Counties will be lobbying Legislature 2005 for another nickel gas tax, to be dedicated to City and County needs. A dedicated gas tax to cities and counties would deliver state funding to address one of the greatest "road blocks" to annexation -- that is the need for capital investment in lagging infrastructure.

The Legislature will consider the CTED Study Report at a hearing on December 2, 2004. Association Chair, Don Oehler, Roger Loschen, and Lenora Blauman will represent the Association at that meeting.

D. CORRESPONDENCE

Correspondence was reviewed briefly. No questions or issues were raised with respect to the substance of the correspondence.

V. NEW BUSINESS

A. NOTICES OF INTENTION

File No. 2179 – City of Redmond Avon Villa Annexation

Mrs. Blauman briefly summarized the application from the City of Redmond to annex 13 acres of land. The area includes currently developed land and land that is slated for future residential development.

The Board raised no substantive questions concerning the application.

File No. 2180 – Val Vue 2003-2 Annexation

Mrs. Blauman briefly summarized the application from the Val Vue Sewer District to annex 16 acres of land. The area includes currently developed land and land that is slated for future residential development.

The Board raised no substantive questions concerning the application.

File No. 2181 – Val Vue 2004-2 Annexation

Mrs. Blauman briefly summarized the application from the Val Vue Sewer District to annex 18 acres of land. The area includes currently developed land and land that is slated for future residential development.

The Board raised no substantive questions concerning the application.

B. PENDING FILES

Auburn	Covington
Kent	Ronald Sewer District
Woodinville	Kirkland
Federal Way	Renton (4 files)
Tukwila	Redmond

VI. ADJOURNMENT

Action: Charles Booth moved and Michael Marchand seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 8:30 p.m.

American Planning Association National Conference 2005: Mrs. Blauman reported that the American Planning Association National Conference is scheduled for March/April in San Francisco. Mrs. Blauman requested that the Board determine whether or not Mrs. Blauman should represent the agency at that event.

Mrs. Blauman reported that if the Board wishes to support her participation in the conference it would be desirable to make that decision at the December 2004 Regular Meeting so that she can secure advance (discounted) registration.

CTED ANNEXATION STUDY DRAFT REPORT

SUMMARY

**OPTIONS AND RECOMMENDATIONS RELATING TO
BOUNDARY REVIEW BOARD STRUCTURE AND
FUNCTION**

NOVEMBER 2004

Role of the Boundary Review Boards:

The CTED Report states that the role of the BRBs has changed since 1990 with the adoption of the GMA. Annexations and incorporations are limited to designated UGAs in the 29 counties fully planning under the GMA. The GMA also provides that, when a county and the cities and towns within the county have adopted a comprehensive plan and consistent development regulations pursuant to the GMA, the county may disband the BRB. To date, only Clallam, Chelan, and Franklin Counties have disbanded their BRB.

The CTED Report states that citizens, special purpose districts and the BRBs see the role of the BRBs as an important part of the annexation process, providing an impartial forum for addressing the orderly transfer of governance and provision of services.

The CTED Report states that BRB members believe that they serve an important public education function, especially given the limitations on the ability of cities to advocate and provide information on a proposed annexation. BRBs can provide information and educate citizens about the costs and benefits of annexation when there is a lack of trust of an annexing city. BRBs can also force cities, counties and special purpose districts to jointly plan and enter into interlocal agreements.

The CTED Report states that BRBs are seen by others to be an added layer of process that is no longer needed since adoption of the GMA. Most of the cities surveyed agreed that state annexation statutes are not consistent with GMA goals. Most of the cities reported problems with the role of the BRB: it is inconsistent with GMA goals, it adds costs and uncertainty, and the threshold for invoking BRB jurisdiction is too low and too many parties can request BRB review. Survey respondents proposed narrowing or redefining the scope of the BRB.

The CTED Report states that the role of the BRBs presents problems for some of the counties surveyed. The BRB process can add cost and uncertainty to annexations; two counties stated that it prevents annexation. The lack of agreement about these obstacles makes it difficult to generalize about the six counties' perspectives.

The CTED Report states that some Advisory Committee members indicated that the role of the BRBs is not clear since adoption of the GMA. Others indicated that the BRB criteria do not match GMA requirements. There was a general consensus that the GMA and annexation statutes need more consistency.

The CTED Report states that about 85% of the cities surveyed think the BRB should be removed from the annexation process in counties that are fully planning under GMA, and criteria for exclusion from BRB review should be established. The counties surveyed do not agree about the consequences of removing the BRB from the annexation process in counties that are fully planning under the GMA: opinions range from it making a small improvement, to no change, to making the situation worse.

Annexation Statute

The CTED Report states that the Land Use Study Commission (LUSC) looked at the annexation statutes and made recommendations both in 1996 and 1997. LUSC recommended that: The procedure for annexing within urban growth areas should be eased under certain circumstances. The procedure governing annexation should be consistent for all classes of cities. The Boundary Review Boards should consider interlocal agreements and adopted GMA comprehensive plans in their review of proposed annexations.

The CTED Report states that almost all of the cities surveyed agreed that annexation and incorporation of areas with a GMA compliant subarea should be simplified. About 75% agreed that land should not be added to a UGA unless a jurisdiction is willing to annex it. Cities agreed that raising the threshold for initiating referenda on annexation by ordinance for islands would greatly improve the situation. A large majority agreed that small and large annexation methods should differ; contiguous areas with no resident opposition should have a simplified annexation process.

According to the CTED Report, 5 of the 6 counties surveyed agree that the annexation or incorporation process for areas with a GMA-compliant subarea plan for urban services should be simplified, but one county believes the potential solution would make the situation worse. Four counties report that raising the threshold for initiating referenda on annexation by ordinance for islands would greatly improve the situation, but one county reports that it is not a feasible solution and one county reports that it would have no impact. Jointly planning annexations with cities and special districts would offer some improvement, according to four counties, but one county reports that it is not a feasible solution and another county reports that no impact would occur.

The CTED Report states that some of the special purpose districts remain strongly opposed to removing any provisions for a vote of the citizens. Often, citizens identify with their local district officials. Those special purpose districts believe that another body of elected officials should not be able to assume a district's service area without a vote of the citizens.

The CTED Annexation Study Advisory Committee discussion reportedly centered around providing incentives for joint planning and interlocal agreements. There was general agreement that the BRB statute and the GMA need to be more consistent. There were also a number of ideas presented regarding streamlining of the process where joint planning and interlocal agreements were in place.

Options:

According to the CTED Report any option to address the barriers to annexation should provide incentives for coordination through joint planning and interlocal agreements. Annexation is appropriate when urban services are planned consistent with a community's vision and can be provided concurrent with development. Joint planning in UGAs ensures that citizens are engaged and can take part in the process. Planning with citizen involvement allows an annexing city to build a relationship with the citizens.

Eliminate the Boundary Review Boards:

Under this option, the role of the BRBs could be eliminated entirely in those jurisdictions that are fully planning under the GMA. Counties fully planning under the GMA now have the option of disbanding the BRB when a county and the cities and towns within the county have adopted a comprehensive plan and consistent development regulations pursuant to the GMA. One proposal discussed by the advisory committee would automatically make all UGAs designated under the GMA part of a city, effectively eliminating the role of the BRB except for incorporations and annexations by special purpose districts.

This option is based upon the underlying assumption that counties, in consultation with cities, have determined what areas are already urbanized and are served or are planned to be served by urban services in the next 20 years. This proposal would require that the counties assign all UGAs to appropriate cities for annexation – the “potential annexation area” concept used in King County. This would require amendments to the BRB's jurisdiction, and to the county-wide planning policy and UGA designation requirements in the GMA.

Pros:

- Elimination of review by the BRBs would streamline the process and support the presumption that local plans have adequately planned for funding for capital facilities at urban levels of service and that such funding is available.
- If annexation of UGAs is automatic, counties will be more cautious in designating UGAs that are larger than necessary to accommodate projected population growth.

Cons:

- Most counties have not assigned all potential annexation areas to the cities.
- Automatic annexations would not provide an incentive for coordinated planning and interlocal agreements for those UGAs that have already been designated by counties.

- Cities may not be prepared to take on assigned potential annexation areas. This would not address the issue of the lack of funding for cities to ramp up services for a newly annexed area.
- Counties may be unprepared to lose revenue from all designated UGAs at one time.
- Annexations would occur without evaluating the impacts to special purpose districts.

Allow annexation upon interlocal agreement without Boundary Review Board review:

Another proposal would eliminate oversight by the BRB for annexation if an interlocal agreement has been reached by the county and a city regarding the annexation area.

Pros:

- ~~Provides an incentive for counties and cities to engage in interlocal agreements and joint planning for the annexation area.~~
- Transition issues (e.g., revenues, costs) could be addressed by interlocal agreement.

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Cons:

- Assumption issues of special purpose districts may not be addressed in the interlocal agreement, especially if there is no oversight by the BRB.
- This is inconsistent with the desire of many citizens to vote on an annexation.

Revise the Boundary Review Board statute to be more consistent with GMA requirements

Two inconsistencies were reportedly put on the table for consideration by the CTED Advisory Committee: (1) the BRB's ability to apply the goals and requirements of the GMA under RCW 36.93.157; and (2) the necessity for the BRB to consider whether an area is "urban in character" pursuant to the objective in RCW 36.93.180(8) when it has already been designated by the county as an urban growth area under the GMA.

1. Revise the applicability of the goals and requirements of the GMA

The BRB's role could be limited if there were a joint plan between a county and city and an interlocal agreement between the county, city and special districts in place. RCW 36.93.157 could be revised to provide that the BRB must determine the consistency of the annexation with RCW 36.70A.020 (GMA goals), 36.70A.110 (designation of the UGA), and 36.70A.210 (county-wide planning policies), except when the county and city have jointly adopted a plan for the area and there is an interlocal agreement. If joint planning has occurred and an interlocal agreement adopted, the BRB must consider the joint plan and agreement.

Pros:

- This provides an incentive for counties and cities to engage in joint planning and interlocal agreements for annexation areas.
- Joint planning provides an opportunity for the city and county to engage and educate citizens in a potential annexation area.
- BRB jurisdiction could still be invoked if joint planning has not occurred.
- If the interlocal agreement were to include special purpose districts, the assumption issue would be addressed.

Cons:

- 2. There may be concerns if the county and city failed to adequately involve citizens in the planning process.

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Revise the applicability of the "urban in character" objective

The "urban in character" objective in RCW 36.93.180(8) could be eliminated in counties fully planning under the GMA because cities are not allowed to annex outside of designated UGAs in

those counties. The “urban in character” objective would remain applicable in counties not fully planning under the GMA because no UGA has been designated consistent with GMA requirements.

Pros:

- | 3. The “urban in character” objective is redundant when a county is required to designate urban areas where growth is planned to occur at urban levels and with urban services consistent with the requirements of RCW 36.70A.110.
- | 4. Denial of an annexation based on the “urban in character” objective in a UGA would constitute a barrier and be inconsistent with the expectation that UGAs will be annexed.

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Cons:

- Not all areas of the UGA are ready for annexation. Some areas may be without urban services and the city does not have the capacity to provide services at the time of annexation.

Revise the applicability of the “abnormally irregular boundaries” objective

The “abnormally irregular boundaries” objective in RCW 36.93.180(4) is viewed by some as vague and difficult for the BRBs to apply consistently. One city surveyed reported that this objective could be a problem because its UGA designated by the county is irregular in places. As with the “urban in character” objective, it could be eliminated or revised to be consistent with designated UGAs in those counties fully planning under the GMA. Or, it could be eliminated where joint planning has occurred.

Pros:

- The “abnormally irregular boundaries” objective is no longer appropriate in fully planning counties where UGAs have been designated in consultation with cities and good planning has occurred.
- The objective is not needed to ensure efficient provision of services as that objective is addressed in RCW 36.93.180(3), which requires “creation and preservation of logical service areas.”
- The objective is too vague to be applied consistently.
- The objective can be used to deny an annexation when all the other objectives have been met.

Cons:

- There may be instances where the boundaries for an annexation within a UGA are irregular and should be configured differently (e.g. the proposed annexation includes only part of an island).
- Create separate annexation methods for large and small annexations

Raise the Boundary Review Board threshold for small annexations

The Advisory Committee discussed streamlining the process for small annexations. This could be done by: (a) Raising the BRB threshold for small annexations; (b) further revising the requirements for island annexations by amending SHB 1755 (2003 session); and (c) eliminating all unincorporated islands on a date certain.

The BRB threshold (RCW 36.93.110) could be raised from areas less than 10 acres and less than \$2 million in assessed value to at least twice the current amounts.

Pros:

- The Legislature has already recognized that small annexations need not go through an extensive process. This would simply raise the threshold to reflect that planning under the

GMA has been done and land prices have increased since the current threshold was last amended in 1987.

- Special purpose districts tend to be less impacted by annexations when the area is small and the valuation low.
- Smaller annexations are more likely to be subject to the petition method because it is less costly and more certain than an election.

Cons:

- This would bypass review by the BRB for impacts on special purpose districts.
- Citizens in small annexation areas might lose the ability to vote.

Further revise the requirements for island annexations

The Annexation Study Advisory Committee discussed several possible amendments to SHB 1755 (enacted in the 2003 Legislative Session) that would streamline the process for island annexations. SHB 1755 allows unincorporated territory within an urban growth area to be the subject of an interlocal agreement between a county and city or town for annexation of that territory to the city, if at least 60% of the boundaries of the area to be annexed are contiguous to the city or town or to more than one city or town. Annexation is subject to a referendum if filed within 45 days of adoption the referendum petition is signed by at least 15 percent of the voters.

This annexation method is allowed in the six "buildable lands" counties (Whatcom, Snohomish, King, Kitsap, Pierce, and Clark). The proposed amendments are discussed separately below.

- (a) Require cities to do extraterritorial planning for urban islands that the county must match in its planning regarding zoning and density.

Pros:

- Requiring consistent planning by counties and cities would ensure that urban islands develop consistently with the rest of the city surrounding the island.
- There is a presumption that joint planning has occurred if an interlocal agreement has been reached.
- If a city is required to plan and the county is only allowing development consistent with that planning, the city would be more likely to annex.

Cons:

- Counties and cities prefer optional tools rather than additional requirements under the GMA. This may provide a disincentive to annex as the city may not have the resources to plan for islands.

- (b) Eliminate the referendum requirement for islands where there is an interlocal agreement

Pros:

- Elimination of the referendum requirement in SHB 1755 would provide an incentive for annexation based on an interlocal agreement.
- Citizens should be more amenable to annexation by a surrounding community.

Cons:

- Would not allow for a vote of the citizens.
- Unless there was a requirement that the interlocal agreement include special purpose districts, assumption issues would not be addressed.

- (c) Raise the percentage of voters that must sign a petition for a referendum to a simple majority (e.g. from 15 percent to 51 percent)

Pros:

- Islands should be annexed to ensure efficient provision of services. Where an area is mostly surrounded by a city, the process for annexation should be streamlined to ensure annexation. Revision of the referendum requirement in SHB 1755 would provide an incentive for annexation based on an interlocal agreement.
- Citizens should be more amenable to annexation by a surrounding community.

Cons:

- Would make it more difficult to trigger a vote of the citizens.
- Unless there was a requirement that the interlocal agreement include special purpose districts, assumption issues would not be addressed.

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Eliminate all unincorporated islands on a date certain

As of a date certain in statute, all unincorporated islands would become part of the surrounding city or town.

Pros:

- Islands should be annexed to ensure efficient provision of services. Where an area is mostly surrounded by a city, annexation should occur.
- Cities would be forced to plan with counties to ensure that the transfer of governance is smooth when it is required to occur.

Cons:

- There would be no consideration of a city's capacity to plan for or begin providing services to a previously unincorporated island.
- Would not allow for a vote of the citizens.
- Lower the threshold for the petition method of annexation

Alter the Petition Method of Annexation

The petition method of annexation is the method most often used by cities. Several city representatives recommended changing the requirement for the petition method in RCW 35.13.125 for first and second class cities and towns to be consistent with the petition method requirement for code cities in RCW 35A.14.120. Currently, a petition for annexation by first and second class cities and towns must be signed by the owners of not less than 75 percent in value, according to the assessed value for general taxation, of the property for which annexation is petitioned. Petitions for annexation by a code city only requires that the petition be signed by the owners of not less than 60 percent in value of the property for which annexation is petitioned.

For all cities and towns, the proposal would establish a petition requirement of 60% in value of the property for annexation. In the alternative, the requirement would be for a simple majority of the assessed value for all cities and towns.

Pros:

- There is no reason to treat code and "non-code" cities and towns differently with respect to annexations.
- Lowering the threshold for petitions to 60 percent for non-code cities and towns will streamline the annexation process for those cities and towns.

- The Land Use Study Commission in its 1997 Report recommended lowering the threshold for petitions to 60 percent for non-code cities and towns.
- Lowering the threshold for all cities and town to a simple majority will increase the ability of all cities and towns to annex.

Cons:

- This revision provides no incentive for cities to jointly plan with and enter into interlocal agreements with counties and special purpose districts.
- Unless there was a requirement that the interlocal agreement include special purpose districts, assumption issues would not be addressed.
- Would not allow for a vote of the citizens.

Require county-wide planning policies to identify “potential annexation or incorporation areas” in the six counties

County-wide planning policies could be required to include identification of potential annexation areas that are assigned to a specific city or potential incorporation areas to make it clear which city is expected to annex an area. This approach has been used by King County in designating UGAs. This process would also have to recognize that some UGAs may be too big to annex and would need to be incorporated separately.

Pros:

- Counties are required to develop county-wide planning policies in consultation with the cities. A determination of which areas of the UGA will be annexed by each city early in the county-wide planning policies should help cities to plan for annexation.
- Designation of potential annexation areas can help avoid conflict between two cities wishing to annex the same area.
- Early designation can make future annexation more of a reality for citizens and spur development of a relationship with the annexing city.

Cons:

- County-wide planning policies alone will not accomplish annexation in every instance. King County has a number of areas left in the UUGA that are very urban and should be annexed.
- Designation of an area for incorporation may not be enough if there is no local government to take on the task. ~~This proposal does not address other barriers to annexation by the designated city.~~ Incorporations must be initiated by citizens, who may be happy with their “rural” lifestyle and the service they are receiving from the county and may choose not to incorporate.

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Revise the UGA designation process to require a commitment from a city

Ideas for revising the UGA designation process to ensure annexations included limiting UGA designations to those areas that a city is willing to annex, or putting a moratorium (e.g. an urban holding overlay) on UGA expansion unless urban services are provided. These proposals require a commitment from a city before the UGA is designated.

Pros:

- Limiting UGA designations to those areas that a city is willing to annex and serve will ensure that designated urban areas are provided with urban services.
- Counties will be unable to designate UGAs that they are interested in continuing to serve (this could be considered a pro or con depending upon the county’s perspective about UGAs).

Cons:

- Areas that are already urbanized and should be annexed by a city may not be designated as a UGA consistent with the goals and requirements of the GMA if a city is not willing to annex and serve them.
- Restructure the public process to get special districts and citizens involved earlier
- Special purpose districts and citizens expressed an interest in requiring their involvement earlier in the planning process prior to annexations. The GMA requires early and continuous public participation in the planning process, including the designation of UGAs. There is no requirement to involve special purpose districts in the planning process under GMA, although consultation and coordination is encouraged by the state. Special districts are required to comply with local plans and regulations governing development of their facilities. Special districts would like to be consulted prior to designation of UGAs and planning for capital facilities.

Restructure the public process to get special districts and citizens involved earlier

Special purpose districts and citizens expressed an interest in requiring their involvement earlier in the planning process prior to annexations. The GMA requires early and continuous public participation in the planning process, including the designation of UGAs. There is no requirement to involve special purpose districts in the planning process under GMA, although consultation and coordination is encouraged by the state. Special districts are required to comply with local plans and regulations governing development of their facilities. Special districts would like to be consulted prior to designation of UGAs and planning for capital facilities.

Pros:

- Early participation in UGA discussions by all interested parties is critical to planning for development.
- Requiring consultation with special districts would inform the planning process and could encourage interlocal agreements that address issues of assumption.
- Early citizen involvement helps establish a relationship with a future annexing city and educates citizens about the benefits of annexation.

Cons:

- There is no need for additional requirements for involving citizens. The GMA is very clear that citizens must be involved early and continuously in the planning process. The issue is the need for joint planning in annexation areas that can more effectively engage and educate citizens.
- Special purpose districts also have a responsibility to get involved in the comprehensive planning process under GMA. They need to reach out to counties and cities with information and their concerns. The planning process allows them to be involved now.
- Enhance the Boundary Review Board's ability to engage citizens and provide impartial information regarding annexations

If a BRB's jurisdiction is eliminated based upon an interlocal agreement, retain the BRB's role as an educational forum for citizens. The BRB has no stake in the outcome of the annexation and is seen as an impartial provider of information to the public. It can also provide information that a city may not. This would require some additional resources for the BRBs to be effective in working with citizens and communities.

RECOMMENDATIONS FOR ANNEXATION PROCESS – GROWTH MANAGEMENT, ANNEXATION AND BOUNDARY REVIEW BOARDS

The CTED Report states that given Washington's history of local governance, any recommendation must recognize the need for coordination and collaboration. Joint planning and interlocal agreements should be encouraged and incentives provided. The advisory committee recognized the importance of addressing planning and infrastructure financing issues in any interlocal agreement, but also recognized that participating entities would be best able to identify what basic issues would need to be addressed in an agreement. Citizens need to understand and be involved in the process. As with financing, an array of tools should be available to address the unique needs of a community.

1. *Limit Boundary Review Board review when joint planning and/or interlocal agreements have been achieved*

- (a) Revise RCW 36.93.157 to provide that the BRB must determine the consistency of the annexation with RCW 36.70A.020 (GMA goals), 36.70A.110 (designation of the UGA), and 36.70A.210 (county-wide planning policies), except when the county and city have jointly adopted a plan for the area and there is an interlocal agreement. If joint planning has occurred and an interlocal agreement adopted, the BRB must consider the joint plan and agreement.
- (b) Limit application of the "urban in character" objective in RCW 36.93.180(8) to counties not fully planning under the GMA because no UGA has been designated consistent with GMA requirements.
- (c) Limit application of the "abnormally irregular boundaries" objective in RCW 36.93.180(4) to counties not fully planning under the GMA because no UGA has been designated consistent with GMA requirements. In the alternative, eliminate the objective where joint planning has occurred.

2. *Create more streamlined annexation methods for small annexations*

- (a) Raise the BRB threshold in RCW 36.93.110 from areas less than 10 acres and less than two million dollars in assessed value to at least twice the current amounts.
- (b) Further revise the requirements for island annexations:
 - (i) Require cities to do extraterritorial planning for urban islands that the county must match in its planning regarding zoning and density.
 - (ii) Raise the percentage of voters that must sign a petition for a referendum to a small majority (e.g. from 15 percent to 50 percent+1)

3. *Revise the petition method of annexation to 60 percent for both code and non-code cities and towns*

Change the requirement for the petition method in RCW 35.13.125 for first and second class cities and towns to be consistent with the petition method requirement for code cities in RCW 35A.14.120. This would make the requirement of 60 percent in value of the property for which annexation is petitioned the same for all cities and towns.

4. *Encourage counties to identify potential annexation and incorporation areas in their county-wide planning policies*

Encourage counties, in consultation with cities, to include in county-wide planning policies identification of potential annexation areas that are assigned to a specific city or potential incorporation areas to make it clear which city is expected to annex an area. County-wide planning policies should also recognize that some UGAs may be too big to annex and will need to be designated for incorporation.

5. Enhance the public process for designating UGAs and annexations

- (a) Encourage counties, cities and special purpose districts to work together in the planning process under GMA through consultation and coordination. Consultation and coordination can be encouraged through financial incentives for joint planning and interlocal agreements discussed in the *Local Revenues and Expenditures* recommendations in the CTED Study Report.
- (b) Enhance the Boundary Review Board's public outreach and education role. The BRB can facilitate public discussion and be a source of objective information. Reducing or eliminating their function in smaller and non-contentious annexations may strengthen this role.